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IF

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/550,476 04/14/00 DEKOCK

B BWD-7118.004

EXAMINER

PM82/0824

BRUCE W DEKOCK
1600 ODS TOWER
801 S W SECOND AVENUE
PORTLAND OR 97204

MARC COLEMAN, M	
ART UNIT	PAPER NUMBER

3661
DATE MAILED:

08/24/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/550,476

Applicant(s)

DEKOCK ET AL.

Examiner

Marthe Y. Marc-Coleman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 July 2001.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 25-38 is/are allowed.
- 6) ☒ Claim(s) 1-4, 6, 7 and 9-24 is/are rejected.
- 7) ☒ Claim(s) 5 and 8 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

1. This office action is responsive to applicant's amendment filed on 7/24/01.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 6, 7, 8, 11-13, 16, 19, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Albrecht et al. (U.S. Patent No. 5,812,069) in view of Fan et al. (U.S. Patent No. 5,959,577).

In regard to claim 1, Albrecht discloses:

- A plurality of traffic monitors **20**, each said traffic monitor comprises at least a detector and a transmitter (see col. 4 lines 87-40), said detector providing a signal including data representative of vehicular movement and said transmitter transmitting said signals (see col. 4 lines 37-40 and Fig.);
- A receiver **31**, remotely located from said transmitter, that receives said signals transmitted by said traffic monitors (see Fig and col. 4 lines 40-44);
- a computer system interconnected with said receiver and said network (see col. 4 lines 43-45).

Although, Albrecht discloses a computer system, a mobile user station, a GPS receiver, he fails to disclose the connection among them with a display

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using a communicating device. Furthermore, he fails to disclose that the computer system provide response to the mobile user station in response to request made by said mobile user stations.

Fan discloses:

- a mobile unit **3** connected to a global positioning system receiver **8** (see Fig. 1), a mobile unit having a display (see Fig. 12), communicating device (see Fig. 1); which corresponds to step (d) of claim 1;
- a computer system provides response to the mobile user stations in response to request made by said mobile user stations (see abstract and col. 1 line 64-col. 2 line 24).

At the time of the invention, it would have been obvious to one of the ordinary skill in the art to include Fan's travel relating information network with Albrecht's traffic flows forecasting method so that vehicle movement can be monitored and travel-related information can be transmitted to the vehicles (see Fan col. 1 lines 10-12).

In regard to claim 16, Albrecht discloses:

- a plurality of vehicles **11**, each vehicle comprising at least a mobile user station a global positioning system receiver and a transmitter (see col. 4 lines 36-37 and col. 4 lines 59-63) said mobile user station providing a signal including data representative of a location of said mobile user station and at

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least one of a speed of said vehicle (see col. 4 lines 36-37 and col. 4 lines 59-63).

- a receiver **31**, remotely located from said transmitter, that receives said signals transmitted by said traffic monitors (see Fig and col. 4 lines 40-44);
- a computer system interconnected with said receiver and said network (see col. 4 lines 43-45).

Although, Albrecht discloses a computer system, a mobile user station, a GPS receiver, he fails to disclose that the computer system provide response to the mobile user station in response to request made by said mobile user stations.

Fan discloses:

- a computer system provides response to the mobile user stations in response to request made by said mobile user stations (see abstract and col. 1 line 64-col. 2 line 24).

At the time of the invention, it would have been obvious to one of the ordinary skill in the art to include Fan's travel relating information network with Albrecht's traffic flows forecasting method so that vehicle movement can be monitored and travel-related information can be transmitted to the vehicles (see Fan col. 1 lines 10-12).

In regard to claim 6, Albrecht discloses that said traffic detector detects vehicular speed (see col. 3 lines 66-67).

In regard to claims 7 and 8, Fan discloses that at least one of said transmitters transmits directly to said receiver; at least one of said transmitters transmits to another traffic monitor (see Fig. 1 and col. 1 line 64-col. 2 line 24).

In regard to claim 11, Fan discloses that the mobile unit provides latitude and longitude information to said computer system (see col. 3 lines 11-16 and col. 4 lines 55-65).

In regard to claim 12, Fan discloses that said computer system selects said traffic information to provide to said mobile user station based on a signal received from said global positioning system receiver (see col. col. 1 line 64-col. 2 line 24).

In regard to claims 13, 19 and 24, Fan discloses that said computer system maintains a traffic information database containing data representative of traffic at a plurality of locations and updates said traffic information database in response to signals received from said mobile user station; they also disclose that the computer screens data providing by said mobile user stations to determine whether said data corresponds to actual traffic conditions (see col. 4 lines 41-65).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2-4, 9, 10, 14, 15, 17 and 20-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Albrecht et al. (U.S. Patent No. 5,812,069) in view of Fan et al. (U.S. Patent No. 5,959,577) as applied to claims 1 and 16 above and further in view of Lappenbusch et al. (U.S. Patent No. 5,982,298).

In regard to claims 2-4, 14, 17, 20, 22, and 23, although Fan disclose a display (see Figs. 12 and 13), Albrecht and Fan fail to disclose that said traffic information transmitted by said computer system is displayed graphically on said display. They also fail to disclose that said traffic information is displayed together with a video image and a text message.

Lappenbusch discloses that said traffic information transmitted by said computer system is displayed graphically on said display; In addition, Lappenbusch discloses that said traffic information is displayed together with a video image and a text message (see Figs. 4-8; col. 1 lines 28-33; and col. 9 lines 37-50).

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At the time of the invention it would have been obvious to one skilled in the art to utilize Lappenbusch's graphical display with the combined traffic information system of Abrecht and Fan because it would provide a vehicle monitoring system that can be deployed on a world-wide basis at minimum cost since the cost of communication in the internet is inexpensive (see Lappenbusch col.11 lines 13-33).

In regard to claims 9 and 10, Lappenbusch discloses that at least one of said traffic monitors includes a video camera; at least said detector is a video camera (see Fig. 1).

At the time of the invention it would have been obvious to one skilled in the art to utilize Lappenbusch's camera with the combined travel information system of Albrecht and Fan so that continuous images and live feeds conditions can be provided (see Lappenbusch col.1 lines 15-18).

In regard to claims 15 and 21, Fan discloses that said mobile user station has an input mechanism to select a mode in which traffic information is graphically displayed on said display (see Figs. 12 and 13).

Allowable Subject Matter

6. Claims 5 and 18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

In regard to claims 5 and 18, none of the above cited references, either singularly or in combination, teach or fairly suggest:

"said computer system has a map database, and said computer system, in response to said request for information, transmits map information representative of a portion of said map database, and said map information representative of said map database is displayed graphically together with said traffic information."

7. Claims 25-38 allowable because none of the above cited references, either singularly or in combination, teach or fairly suggest:

"at least one of said mobile user stations providing a request to said computer system for information together with a respective location of said mobile user stations, and in response thereto, said computer system providing to said one of said mobile user stations information representative of selected portions of said map database and selected portions of said traffic information database based on said respective geographic location of said one of said mobile user stations".

Response to Arguments

8. Applicant's arguments filed on 7/24/01 have been considered but are moot in view of the new ground(s) of rejection based on Albrecht et al. (U.S. Patent No.5,812,069).

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marthe Y. Marc-Coleman whose telephone number is

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(703) 305-4970. The examiner can normally be reached on Monday - Thursday
(9:30AM - 8:00PM).


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Cuchlinski can be reached on (703) 308-3873. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7687 for regular communications and (703) 308-8623 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1111.

Patent Examiner

MYM
Marthe Marc-Coleman

August 22, 2001


WILLIAM A. CUCHLINSKI, JR.
SUPERVISORY PATENT EXAMINER
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